

UNITED STATES DISTRICT COURTS

For the

Northern District of Georgia

Division Atlanta

Devante Curtis

Plaintiff

V.

case 1:24-cv-2062-JPB

Progressive Insurance

Hennepin County Medical Center and employees

Brian D, Mahoney MD sued in his official capacity

Zeris Stamatis MD, sued in his official capacity

Juan Pablo Sanchez Ramirez MD sued in his official capacity

Scott G. Miller clinical neurologist sued in his official capacity

Sonia Kalirao MD, sued in her official capacity

Bradleigh J Dornfeld MD sued in his official capacity

Defendants,

Plaintiff 2nd Complaint Amended

Hennepin County employee's Brian D, Mahoney, Zeris Stamatis MD sued in his official capacity, Juan Pablo Sanchez Ramirez MD sued in his official capacity, sued in his official capacity, Bradleigh J.Dornfeld MD, Scott G. Miller Senior clinical neurologist, Sonia Kalirao MD, sued in her official Delayed Diagnosis, 1st amendment retaliation, section 1983.

1. On 8/08/2015 Hennepin County Medical Center emergency department Brian D, Mahoney examined Plaintiff and intentionally failed to diagnose him of Traumatic Brain Injury.

See page 164. Statements of Brian D. Mahoney MD

“Devante R, Curtis is a 22 year old male who presents for right shoulder and upper lumbar pain after MVC yesterday afternoon. Patient states he was knocked unconscious and was wearing seatbelt. Denies history of abdominal pain, cardiac issues, or diabetes Pg.166. X ray was ordered and completed, 800 mil Ibuprophen”

Pg. 166. Dr. Mahoney ordered X- ray and it was completed with no abnormalities

2. Dr. Mahoney had not ordered or performed any CT scan or MRI during Plaintiff visit on 8/8/2015
3. Dr. Mahoney stated that Plaintiff told him that he was knocked unconscious and wearing a seatbelt during the car accident.
4. Dr. Mahoney knows or should have known that if a patient reports to have been knocked out of consciousness during a car accident to perform the necessary tests to rule out brain injuries (TBI), with CT scan being a mandatory diagnostic test (neuro imaging), to determine the severity of Plaintiffs 1st onset & injury.
5. Because Dr. Mahoney is a MD and has knowledge and knows the procedures accident victims in the emergency room whom complains of being knock

unconscious a an chief complaint to perform the mandatory tests CT and MRI and other diagnostic tests.

6. Because Dr. Mahoney known or should have known to order CT and MRI he has intentionally failed to order a CT or MRI and other diagnostic tests for TBI. Pg 166.
7. On 04/05/2017 Plaintiff was admitted to HCMC for worsening psychiatric psychosis & Tremors (seizures) page 92-160.

II. Hennepin County Medical Center- Juan Pablo Sanchez Ramirez,

Sammeer V. Dongre, Devante Curtis CT SCAN

8. On 4/05/2017 Juan Pablo Sanchez Ramirez was plaintiff's admission provider, Dr. Ramirez ordered CT Scan, MRI, & EEG.
9. Sameer V. Dongre MD CT scan; "Findings There is No evidence of intracranial hemorrhage, mass effect, midline shift or abnormal extra axial fluid collection. There is no definite evidence of acute infarction. The ventricles and sulci appear appropriate for age. Gray –white differentiation is normal throughout cerebral hemispheres. Incidental note of cavum septa pellucida".
10. Statement of Juan Pablo Sanchez; totally unclear bazaar movement Juan Pablo Sanchez Ramirez 4/10/2017 page 124, page. 133 Medical history included

cannabis use x2/week with onset at 15 while Mr. Curtis denied previous TBIs, seizures or CVA”.

11. In reference to numbers 1-10 Hennepin county doctors intentionally failed to order, perform, true and proper CT and or EEG and other diagnostic test for Traumatic Brain injury Sameer V. Dongre MD intentionally failed to order and or perform proper a CT or MRI and other diagnostic tests for Brain Damage from a head Injury, TBI upon initial onset of car accident. Page. 160- 166. As a direct result Plaintiff has not had treatment for TBI.

12. In reference to numbers 1-11 Hennepin County Medical Center Staff did not Order and complete Diagnostic Test for Plaintiff Symptoms until April 2017, 2 years after his Injury.

III. Hennepin County Doctors Intentionally failed to Disclose Plaintiff's true Diagnosis of TBI during Plaintiff's admission and or visits.

13. HCMC provider statement; Schizophrenia vs schizoaffective Disorder depressive type, Tremor of unknown etiology Cannabis Use Disorder (recent use) 4/05/2017 page 112

14. HCMC provider statement; staff ask Plaintiff did he have a history of TBI, page 147.

IV Hennepin County Medical Center -Sonia Kalirao MD EEG of Devante Curtis

15. Sonia Kalirao MD statements, page 141 EEG- Neuro diagnostic Report; Clinical note: Patient is a 23 – year old with increased problem of psychosis depression

and movement, disorder issues EEG is to evaluate for seizures. Patient does suffer from intermittent body tremors.

16. Sonia Kalirao MD: Results: Posterior predominant rhythm during wakefulness reveals 8-9Hz activity. It does appear to be symmetric, synchronous and reactive to eye opening. Intermittent photic stimulation is performed and does not produce driving response. Hyperventilation is performed and does not produce any focal slowing. Patient does appear to have frequent eye flutters during this EEG recording with no epileptiform correlate. Intermittent drowsiness is noted with slowing of the background. No other sleep stages are recorded. An EKG lead is applied with an estimated heart rate of about 60 beats per minute while at rest. No interictal epileptiform discharges are noted. No target clinical events were captured. No target clinical events were captured.
17. Sonia Kalirao MD: Clinical correlation and Recommendations: This is a normal awake and Drowsy EEG. If clinically indicated a sleep deprived EEG could be performed. A normal EEG does not exclude the diagnosis of epilepsy. Clinical correlation is advised.
18. Sonia Kalirao MD knows or should have known there are several types of EEGs; Routine EEG. A routine EEG recording lasts for Sleep EEG or sleep-deprived EEG. A sleep EEG is carried out while you're asleep. ...Ambulatory EEG Video telemetry, Invasive EEG-telemetry.
19. Sonia Kalirao MD known and acknowledges that she did not perform EEG to Evaluate for Devante's seizures as stated her Neuro diagnostics report, she instead evaluated using the EEG for sleep awake disorders and not TBI.

20. Sonia Kalirao MD known or should have known as a staff physician in the Neurology service, that plaintiff had seizure (tremors) and that her evaluation should have been on his seizures (tremors) and not awake sleep drowsy EEG Tests.
21. Sonia Kalirao MD known or should have known that TBI is defined in the DSM-5 as an impact to the head or other mechanisms of rapid movement or displacement of the brain within the skull, with one or more of the following: loss of consciousness, posttraumatic amnesia, disorientation and confusion, and neurologic signs (e.g., neuroimaging demonstrating injury; a new onset of seizures; a marked worsening of a preexisting seizure disorder; visual field cuts; anosmia [loss of smell]; hemiparesis).
22. Dr. Stamatis, Dr. Zeris Stamatis from after 2017 to 2017 has reviewed plaintiff charts and medical history Dr. Stamatis seen examined and prescribed plaintiff medication for psychosis, intentionally leaving out his Traumatic Brain Injury diagnosis.
23. Hennepin County Medical Center known Plaintiff and his Mother Nadia Jackson has been seeking answers to his shaking, seizures (tremors) “ Mother would like pt to be admitted for evaluation to see if the shaking is part of psychosis or a medical issue page 144. He was brought in the hospital by his mother, who was very concerned, worried and scared about her son worsening psychiatric symptoms. Page 145

24. Statement of Bradleigh J. Dornfeld MD; "Diagnoses Schizophrenia Hx of TBI in 2015, Page 25 Past Medical /Surgical History To cats, Depression, TBI: Yes- 2015 car accident with +LOC symptoms of psychosis started after pages 23-25.
25. Defendants has known of Plaintiff TBI diagnosis and has Intentionally failed to disclosed, this information from 2015 to July 2023.
26. Plaintiff has in his original complaint asserts that Hennepin County medical center and its Doctors were in cohorts in intentionally delaying Plaintiffs diagnosis to prevent any award money from car insurance company for his TBI injury, instead they have deflected Plaintiff's CT scan and EEG diagnostic test
27. In reference to numbers 1-25 from 2015 to 2023 until present Hennepin County Medical Center and its Doctors, providers Brian D, Mahoney, Zeris Stamatis MD, Juan Pablo Sanchez Ramirez MD, Bradleigh J. Dornfeld MD, Sonia Kalirao MD, have intentionally, failed to timely disclose to Plaintiff and family members Including his mother of his true diagnoses of Plaintiff's 2015 car accident injury, thus failing, and preventing other doctors mental health physicians to properly treat his TBI symptoms.

IV Hennepin County Medical Center and their Doctors in violation 1st amendment retaliation, section 1983.

28. Plaintiff cause of action constitutional rights 1st amendment retaliation against the defendants stems from a 2013 federal claims and report, has made to Federal agencies that Hennepin County their officials and other has failed to perform their administrative duties, fraud, and others allegations, due to that report.

Defendant's and their doctors has reacted on their behalf, and unlawfully targeted Plaintiff and his car accident insurance claim.

29. Defendants has as a direct result of number 26-28, interfered with insurance claim & with intent to deprive him of any civil damages he is entitled to due to federal claims submitted by his mother Nadia Jackson in 2013 and 2016, thus violated Plaintiffs rights in retaliation under 1st amendment.

Date July 12, 2024

Devante Curtis



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3. The place that the injury was incurred.
4. Damages; The damages being claimed. Intentional delayed TBI diagnosis, Re with insurance claims, as a direct result had proper tests and or tests were in worsen over 9 years, to be incapacitated function and inability to talk.
5. Damages in the amount of 260,000.00

Respectfully submitted

July 11, 2024

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Case# 1:24-cv-2062-JPB

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Notice of Claim Pursuant to Minnesota statute Minnesota law 466.05 & Georgia law Section 9-11-8, & Per O.C.G.A. § 9-3-72, Discovery rule

Per O.C.G.A. § 9-3-72, Discovery rule a medical malpractice claim has to be filed within 1 year of discovery of injury, plaintiff has discovered his injury on or about September 13, 2023 while requesting his medical reports from Hennepin County Medical Center, in receiving those reports it was learned that this;

Complaint against: Hennepin County medical center and its Employees Brian D. Mahoney MD, Zeris Stamatis MD, Juan Pablo Sanchez Ramirez MD, Scott G. Miller Senior clinical neurologist sued in his official capacity, Sonia Kalirao MD, Bradleigh J. Dornfeld MD, sued in their official capacity.

1) Acts of Omission (of which are asserted as the basis of the claim);

Intentional medical Diagnosis delay, 1st amendment retaliation, Interference

Insurance claim, Conspiracy. On or about August 8, 2015 Devante Curtis had sought medical treatment from car accident.

- From 2015 to July 2023 HCMC and their Doctors has intentionally failed to disclose Devante Curtis true medical diagnosis of Traumatic Brain Injury, they have also failed to perform proper tests, make referrals and provide treatment.
- Hennepin County medical center, intentionally failed to perform proper tests for TBI, also failed a referral for proper treatment to his brain injury,

- Hennepin County Medical center and their employee's has from his 2015 car accident to worsen over 9 years caused Devante to suffer tremendously, and be incapacitated unable to talk.
- 2. The time of Injury;** Dates and times varied
- 3. The place that the injury was incurred** Hennepin County medical center
- 4. Damages;** The damages being claimed against HCMC and its employees are Intentional delayed TBI diagnosis, Retaliation under 1st amendment, Interference with Insurance claims, as a direct result Devante has not been treated for TBI, had proper tests and or tests were intentionally deflected, leaving his condition to worsen over 9 years, to be incapacitated and unable to cognitively and physically function and inability to talk.
- 5. Damages** in the amount of 260,000,000

Respectfully submitted

July 11, 2024

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